



Ninety-Eighth Legislature - First Session - 2003  
**Introducer's Statement of Intent**  
**LB 148**

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**Chairperson:** Kermit A. Brashear  
**Committee:** Judiciary  
**Date of Hearing:** January 30, 2003

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

In 1993 Nebraska adopted the Uniform Interstate Family Support Act (UIFSA). In 2001 the National Conference of Commissioners on Uniform state Laws (NCCUSL) adopted amendments to UIFSA. LB 148 would incorporate those amendments into the Nebraska act.

The 2001 amendments to UIFSA follow a review and analysis requested by representatives of the state child support enforcement community. While some of these changes are procedural, and others substantive, none make a fundamental change in UIFSA policies and procedures. UIFSA continues to serve the basic principle of one order from one state that will be enforced in other states. The amendments are meant to enhance that basic objective.

### **The 2001 Amendments**

One of the most important accomplishments of UIFSA was the establishment of bedrock jurisdictional rules under which a tribunal in one state only would issue or modify one support order only. That order would be the order any other state would enforce and would not modify. Further, if more than one state tribunal issues an order pertaining to the same beneficiary, one of those would become *the* enforceable, controlling order. The 2001 amendments clarify jurisdictional rules limiting the ability of parties to seek modifications of orders in states other than the issuing state (in particular, that all parties and the child must have left the issuing state and the petitioner in such a situation must be a nonresident of the state where the modification is sought), but allow for situations where parties might voluntarily seek to have an order issued or modified in a state in which they do not reside. The amendments also spell out in greater specificity how a controlling order is to be determined and reconciled in the event multiple orders are issued, and clarify the procedures to be followed by state support enforcement agencies in these circumstances, including submission to a tribunal where appropriate.

The amendments give notice that UIFSA is not the exclusive method of establishing or enforcing a support order within a given state – for example, a nonresident may voluntarily submit to the jurisdiction of a state for purposes of a divorce proceeding or child support

determination, and seek the issuance of an original support order at that tribunal. The amendments also clarify, however, that the jurisdictional basis for the issuance of support orders and child custody jurisdiction are separate, and a party submitting to a court's jurisdiction for purposes of a support determination does automatically submit to the jurisdiction of the responding state with regard to child custody or visitation.

The amendments also provide clearer guidance to state support agencies with regard to the redirection of support payments to an obligee's current state of residence, clarifies that the local law of a responding state applies with regard to enforcement procedures and remedies, and fixes the duration of a child support order to that required under the law of the state originally issuing the order (i.e., a second state cannot modify an order to extend to age 21 if the issuing state limits support to age 18).

The amendments incorporate certain technical updates in response to changes in the law in the intervening years since 1996 – specifically, the use of electronic communications in legal and other contexts (i.e. E-Sign and the Uniform Electronic Transactions Act) and the evolution of federal and state agency practice (including specifically the usage of certain forms and the sealing of records in connection with certain child custody action information), and make other nonsubstantive changes to grammar and organization in an effort to clarify certain provisions.

Finally, the amendments expand UIFSA to include coverage of support orders from foreign country jurisdictions pursuant to reciprocity and comity principles. While a determination by the U.S. State Department that a foreign nation is a reciprocating country is binding on all states, recognition of additional foreign support orders through comity is not forbidden by federal law. UIFSA clearly provides that a foreign country order may be enforced as a matter of comity. In the event a party can establish that a foreign jurisdiction will not or may not exercise jurisdiction to modify its own order, a state tribunal is also authorized to do so.

**Principal Introducer:**

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**Senator David M. Landis**